



Mr Justin Sammut

LAS Lawyers

By email to: [j.sammut@laslawyers.com.au](mailto:j.sammut@laslawyers.com.au)

3 April 2024

Dear Mr Sammut

|                                      |   |
|--------------------------------------|---|
| <b>Applicant</b>                     | IRIS RAFFERTYS OPERATIONS PTY LTD   |
| <b>Application for</b>               | Increase time allowed to fulfil gaming machine threshold increase (Class 1 Local Impact Assessment (LIA)) |
| <b>Licence name</b>                  | Rafferty's by the Lake  |
| <b>Licence number</b>                | LIQH424012497   |
| <b>Decision date</b>                 | 18 October 2023   |
| <b>Licensed trading hours</b>        | Monday to Saturday 5:00 AM – 12:00 midnight<br>Sunday 10:00 AM – 10:00 PM                                 |
| <b>Gaming machine shutdown hours</b> | Monday to Sunday 4:00 AM – 10:00 AM   |
| <b>Premises</b>                      | 1 Wild Duck Drive<br>Cams Wharf NSW 2281  |
| <b>Legislation</b>                   | Sections 3 and 37 of the <i>Gaming Machines Act 2001</i>  |

**Decision of the Independent Liquor & Gaming Authority**  
**Application to increase time allowed to fulfil Class 1 LIA – Rafferty's by the Lake**

We **refuse** the application under section 37 of the *Gaming Machines Act 2001*.

**Statement of reasons**

We note that you have been making the required financial contributions to the Responsible Gambling Fund (**RGF**) since the Authority granted a Class 1 LIA and associated gaming machine threshold increase of 20 (from 0) on 17 November 2021. We note that you seek an additional 5 years to fill the quota, whilst the proposed hotel is still under construction.

**Our findings**

*Community impact*

*Local and broader communities*

The relevant 'local community' is the community in the suburb of Cams Wharf and the relevant 'broader community' comprises the Local Government Area of Lake Macquarie.

*Office of Responsible Gambling identified risk factors*

The Office of Responsible Gambling (**ORG**) has identified a number of problem gaming risk indicators for local areas and recommend proceeding with caution in cases where these exceed NSW average figures. The following risk indicators have been identified for the Lake Macquarie LGA:

- the proportion of the total population aged 15 years and over who have completed Year 12 or equivalent or higher is below the NSW average
- the proportion of the population who are Indigenous is above the NSW average
- the proportion of lone person households is above the NSW average

We note that since the Class 1 LIA was granted in November 2021:

- SEIFA data has not changed in the LGA or SA2 area
- the venue has not been permitted to trade past 12:00 midnight on any day of the week
- problem gambling prevalence, gambling participation rates and ORG risk factors remain the same
- the venue has been meeting required payments to the RGF.

However, we also note:

- there remains above average gaming participation rates in the Central Coast Local Health District in comparison to NSW
- the venue remains in an area exhibiting three of six ORG identified problem gaming risk factors
- our deferral of gaming related applications in 2023 pending finalisation of the *Whitebull* litigation resulted in the venue receiving the benefit of an extension to the period it could acquire its approved increase in gaming machine entitlements to March 2024.

We are not satisfied that a compelling case for an extension to the already extended timeframe has been made, and on balance, find that granting the extension would not be in the public interest.

### **The material we considered**

We considered all the material we received about the application, including:

#### Application Material

- the applicant's solicitors' LIA Quota Fulfilment Extension request as well as additional correspondence with Liquor & Gaming NSW
- Liquor Licence Documents dated 10 October 2023
- Payment confirmation from the Office of Responsible Gambling dated 28 September 2023
- the venues' Gaming Machine Threshold Increase with LIA application dated 17 November 2021

This decision will be published on the [Liquor & Gaming NSW website](#).

### **If you have any questions**

Please contact the case manager, Leonie Jennings, at [Leonie.Jennings@liquorandgaming.nsw.gov.au](mailto:Leonie.Jennings@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

For and on behalf of the **Independent Liquor & Gaming Authority**